

House File 429 - Reprinted

HOUSE FILE 429
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 17)

(As Amended and Passed by the House March 22, 2023)

A BILL FOR

1 An Act relating to school districts, including authorizing
2 the parent or guardian of a student enrolled in a school
3 district to enroll the student in another attendance
4 center within the same school district in certain specified
5 circumstances, requiring school district employees to
6 provide notice to the parents or guardians of students
7 enrolled in the school district if the employee witnesses
8 the student being physically injured, harassed, or bullied,
9 and including effective date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 279.77 Intra-district enrollment.

2 1. A parent or guardian of a student enrolled in a
3 school district may enroll the student in another attendance
4 center within the same school district that offers classes
5 at the student's grade level in the manner provided in this
6 section if, as a result of viewing a recording created by a
7 video surveillance system or a report from a school district
8 employee, the board of directors of the school district
9 determines that any student enrolled in the school district
10 has harassed or bullied the student. For purposes of this
11 subsection, "harassment" and "bullying" mean the same as defined
12 in section 280.28.

13 2. a. A parent or guardian shall send notification to the
14 board of directors of the school district, on forms prescribed
15 by the department of education, that the parent or guardian
16 intends to enroll the student in another attendance center
17 within the same school district that offers classes at the
18 student's grade level.

19 b. The board of directors of the school district shall
20 enroll the student in another attendance center within the same
21 school district unless the attendance center has insufficient
22 classroom space for the student. The board of directors of a
23 school district may adopt a policy granting the superintendent
24 of the school district authority to approve requests submitted
25 pursuant to this section. If the request is granted, the board
26 of directors of the school district shall transmit a copy of
27 the form to the parent or guardian within five days after board
28 action. The parent or guardian may withdraw the request at any
29 time prior to the board of directors' action on the request.
30 A denial of a request by the board of directors is not subject
31 to appeal.

32 c. Each school district shall adopt a policy that defines
33 the term "insufficient classroom space" for that district.

34 3. A request under this section is for a period of not
35 less than one year. A student who attends school in another

1 attendance center pursuant to this section may return to the
2 original attendance center and enroll at any time, once the
3 parent or guardian has notified the board of directors of
4 the school district in writing of the decision to enroll the
5 student in the original attendance center.

6 4. If a request filed under this section is for a student
7 requiring special education under chapter 256B, the request to
8 transfer to another attendance center shall only be granted if
9 all of the following conditions are met:

10 a. The attendance center maintains a special education
11 instructional program that is appropriate to meet the student's
12 educational needs and the enrollment of the student in the
13 attendance center would not cause the size of the class or
14 caseload in that special education instructional program in the
15 attendance center to exceed the maximum class size or caseload
16 established pursuant to rules adopted by the state board of
17 education.

18 b. If the student would be assigned to a general education
19 class, there is sufficient classroom space for the general
20 education class to which the student would be assigned.

21 5. If a student, for whom a request to transfer has been
22 filed with the board of directors of a school district, has
23 been suspended or expelled in the school district, the student
24 shall not be permitted to transfer until the student has been
25 reinstated. Once the student has been reinstated, however, the
26 student shall be permitted to transfer in the same manner as if
27 the student had not been suspended or expelled. If a student,
28 for whom a request to transfer has been filed with the board
29 of directors of a school district, is expelled in the school
30 district, the student shall be permitted to transfer under this
31 section if the student applies for and is reinstated. However,
32 if the student applies for reinstatement but is not reinstated
33 in the school district, the board of directors of the school
34 district may deny the request to transfer. The decision of
35 the board of directors of the school district is not subject

1 to appeal.

2 6. A student who is enrolled in another attendance center
3 within the same school district pursuant to this section is
4 eligible to participate immediately in varsity interscholastic
5 athletic contests and athletic competitions as a member of a
6 team from the receiving attendance center.

7 7. This section shall not be construed to prohibit a
8 school district from allowing the parent or guardian of a
9 student enrolled in the school district to enroll the student
10 in another attendance center within the same school district
11 that offers classes at the student's grade level pursuant to a
12 policy adopted by the board of directors of the school district
13 that allows for transfers for reasons in addition to those
14 allowed pursuant to this section.

15 8. The state board of education shall adopt rules pursuant
16 to chapter 17A to administer this section.

17 Sec. 2. NEW SECTION. 279.78 **Notice to parents or guardians**
18 **related to physical injuries, harassment, or bullying.**

19 An employee of a school district shall notify the parents
20 or guardians of a student enrolled in the school district in
21 writing or by electronic mail within twenty-four hours after
22 the employee witnesses, either directly or indirectly by
23 viewing a recording created by a video surveillance system, any
24 of the following:

25 1. Any student enrolled in the school district physically
26 injuring the student.

27 2. Any student enrolled in the school district harassing
28 or bullying the student. For purposes of this subsection,
29 "harassment" and "bullying" mean the same as defined in section
30 280.28.

31 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate
32 importance, takes effect upon enactment.